

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

WILLIAM PLEDGER, III, )  
Petitioner, )  
v. ) Civil Action  
MARTY C. ANDERSON, Warden, ) No. 09-3006-CV-S-RED-H  
United States Medical Center )  
for Federal Prisoners, )  
Respondent. )

**ORDER AND JUDGMENT**

Pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri, the petition herein for a writ of habeas corpus was referred to the United States Magistrate Judge for preliminary review under the provisions of 28 U.S.C. § 636(b).

The United States Magistrate Judge has completed his preliminary review of the petition and has submitted to the undersigned a report and recommendation that the petition be dismissed without prejudice.

Petitioner has filed exceptions to the report and recommendation of the magistrate judge, in which he again challenges the validity of his commitment under 18 U.S.C. §4246. The record establishes that this commitment was ordered by the Eastern District of Arkansas in January of 2004. That Court is in the best position to evaluate the merits of petitioner's argument that this order was invalid. See *Archuleta v. Hedrick*, 365 F.3d 644, 649 (8<sup>th</sup> Cir. 2004). Petitioner's exceptions must therefore be overruled. It is

ORDERED that petitioner be, and he is hereby, denied leave to proceed in forma pauperis;  
it is further

ORDERED, ADJUDGED and DECREED that the petition filed herein be dismissed without  
prejudice.<sup>1</sup>

/s/ Richard E. Dorr  
RICHARD E. DORR  
United States District Judge

Date: June 4, 2010

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<sup>1</sup> The respondent seeks dismissal for failure to exhaust administrative remedies. In view of the ruling herein, that issue is not addressed, but see *Perkins v. Hedrick*, 340 F.3d 582 (8<sup>th</sup> Cir. 2003)